

JESSE ARON ROSS

Name

HDSP P.O. Box 650

Indian Springs NV 89070

1095756

Prison Number

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN - 8 2018	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JESSE ARON ROSS

Plaintiff,

vs.

BRIAN SANDOVAL et al,

See page 1-A For Full

List of Defendants.

Defendant(s).

CASE NO. 2:17-cv-02386-APG-GWF  
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT  
PURSUANT TO

42 U.S.C. § 1983, 28 USC section 1367,  
NRS. 41.031, 41.032, 41.0322

Jury Demand

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Jesse Ross,  
(Print Plaintiff's name)

who presently resides at 22010 Cold Creek Rd <sup>Indian</sup> Spring NV 89070, were

violated by the actions of the below named individuals which were directed against

Plaintiff at High Desert State Prison <sup>Indian</sup> Spring NV on the following dates  
(institution/city where violation occurred)

03-4-17, 03-09-17, and 4-9-16.  
(Count I) (Count II) (Count III)

1

1	1 Abuen coming	15 J. Faliszek
2	2 Adam Luxalt	16 Julia Calderin
3	3 Brian Sanduval	17 L. Stewart
4	4 Brian Williams	18 Lt. Owens
5	5 Calderwood	19 Lt. Plumlee
6	6 C/b Vaughn	20 M. Cerans
7	7 Dr. Mangapit	21 Malone
8	8 Dr. Sanders	22 Quentin Byrne
9	9 Dwight Neven	23 Perry Russell
10	10 H. Wickham	24 Romeo Aranas
11	11 Jane Doe	25 S.L. Foster
12	12 James Durenda	26 Sgt. Antiveras
13	13 J. Murphy	27 W. Glass
14	14 J. Torress	

### Abbreviations

NDOC - Nevada Department of Corrections  
 HDSP - High Desert State Prison  
 PSU - Protective Segregation Unit  
 MDS - Medical Delivery System  
 AR - Administrative Regulation  
 OP - Operating Procedure

### Defendants Reside at same Address:

NDOC - 3955 W. Russell Rd. Las Vegas  
 N.V. 89118

**Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants**

1 Defendant Ahuen Camino resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
and is employed as Nurse - grievance Resender. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDOC

2 Defendant Adam Laxalt resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
and is employed as Commissioner. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: Commissioner - Nev. Board of Prison Commissioners

3 Defendant Brian Sundvall resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
and is employed as President. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: President, NEVADA ~~Prison~~ Board of Prison Commissioners

4 Defendant Brian Williams resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
and is employed as WARDEN - HDSP. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDOC.

**Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants**

5 Defendant Calderwood resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as CASEWORKER. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDOC

6 Defendant C/O VAUGH resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as corrections officer. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDOC

7 Defendant Dr. mangapit resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as HOSP- Dentist. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDOC.

8 Defendant Dr. Sanders resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as HOSP- Dentist. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDOC.

**Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants**

- 9 Defendant Dwight Neven resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
and is employed as Warden-HOSP. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDOC
- 10 Defendant H. Wickham resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
and is employed as NDOC- Deputy Director. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDOC
- 11 Defendant Jane Doe resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
and is employed as Dental Assistant. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: initials "CB" - employed by NDOC
- 12 Defendant James Dzurenda resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
and is employed as NDOC- Director. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDOC

**Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants**

13 Defendant J. Murphy resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
 and is employed as RN-III - Director of Nursing. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDOC

14 Defendant J. Torres resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
 and is employed as HDSP Nurse. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDOC

15 Defendant J. Faliszek resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
 and is employed as Case worker @ HDSP. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDOC

16 Defendant Julio Calderin resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
 and is employed as Chaplain - HDSP. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDOC

**Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants**

17 Defendant L. Stewart resides at \_\_\_\_\_  
 (full name of first defendant) (address if first defendant)  
 and is employed as Caseworker. This defendant is sued in his/her  
 (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDAC

18 Defendant Lt. Owens resides at \_\_\_\_\_  
 (full name of first defendant) (address if first defendant)  
 and is employed as Lieutenant. This defendant is sued in his/her  
 (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDCC

19 Defendant Lt. Plante resides at \_\_\_\_\_  
 (full name of first defendant) (address if first defendant)  
 and is employed as Lieutenant. This defendant is sued in his/her  
 (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by HDSO

20 Defendant M. Cervus resides at \_\_\_\_\_  
 (full name of first defendant) (address if first defendant)  
 and is employed as Caseworker. This defendant is sued in his/her  
 (defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDAC

**Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants**

21 Defendant Malone resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
 and is employed as CASEWORKER. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDOC

22 Defendant Quentin Byrne resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
 and is employed as NDOC-Deputy Director. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDOC

23 Defendant Perry Russell resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
 and is employed as HOSP-Associate Warden. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDOC

24 Defendant Rameo Aranas resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
 and is employed as NDOC-Medical Director. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: employed by NDOC



Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

25 Defendant S.L. Foster resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as Case Worker. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDA C

26 Defendant Sgt. Antiveras resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as Sergeant. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDA C

27 4) Defendant W. Glass resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as CASEWORKER. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: employed by NDOC.

5) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: \_\_\_\_\_

6) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: \_\_\_\_\_  
\_\_\_\_\_

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

28 USC section 1367; NRS 41-031, 41032, 410322

-----  
**B. NATURE OF THE CASE**

1) Briefly state the background of your case.

Plaintiff is incarcerated at High Desert State  
Prison ("HDSP") and has been since 12-18-12. This Action  
Addresses various constitutional and state Law  
torsts, committed by Prison officials, including constitutionally  
deficient medical, dental and optometry care, constitutionally  
deficient outdoor exercise access; violations of RLUIPA,  
the 1st Amend. Free exercise, 14<sup>th</sup> Amend equal protection, violations  
involving inadequate access to sanitation; violations involving  
ITED, Negligence and gross Negligence.

-----  
**C. CAUSE OF ACTION**

### COUNT I

The following civil rights has been violated: Deliberate indifference to a  
Serious medical need; optometry care, A Violation of the 8<sup>th</sup>  
Amendment U.S. Constitution.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Brian Williams; Dwight Neven, James Dzurcenda,  
J. Murphy; L. Stewart; ABuen Caminaro; Rome Aranas,  
On or about 1 May 2015, 1 July 2015 Plaintiff Filed  
regular and medical request forms for medically necessary  
eye glasses. Plaintiff received no responses on  
6-16-16 Plaintiff submitted A regular inmate Request Form to  
J. Murphy, one of the Supervisory Nurses, Plaintiff  
requested replacement of prescription eye glasses, the  
response stated "Your script is over 2 years old, you will  
need to see the eye doctor for Another exam we CANNOT  
re-order glasses for scripts older than 2 years.  
You are put on the eye-clinic wait list no need to  
Kite. Thank Md". when plaintiff received this  
response he also received a copy of his medical Kite  
date 7-1-15 with the same response. This policy of not  
providing at least temporary replacements of old scripts is itself  
deliberately indifferent, and the policy is made by Defendants  
Dzurcenda, Williams and Aranas in there official  
Capacities and are proper defendants because The 9<sup>th</sup> Cir.

## COUNT 1 Continued

1 has held them to be properly named. (see Plaintiff'  
 2 Legal Brief in support of "SAC" section I Suits Against  
 3 supervisory STAFF for injunctive relief). Plaintiff needs  
 4 eye glasses for poor vision. Plaintiff's eye condition is  
 5 Right eye - 1.00 SPH; 1.25 CYL; - Left eye  
 6 - 1.75 SPH; - 1.00 CYL, which is extremely poor vision.  
 7 Plaintiff was not seen until 04 March 2017, about 670 days  
 8 from the initial request. During this period Plaintiff suffered  
 9 headaches, blurry vision and had his nose broke by a  
 10 soccer ball because Plaintiff did not see the soccer ball  
 11 until it was too late to deflect, Plaintiff would have  
 12 been able to deflect the soccer ball had he had eye glasses.  
 13 A outside vendor provides, by contract optometry care to  
 14 offenders at HOSP. Dr. Leaks the optometrist, comes 1 times  
 15 day per month for 4-5 hours for approximately 4,000  
 16 offenders.

17 ON 01-03-15 Plaintiff notified Defendant Stewart (A  
 18 (CNU III) certified nurse Level 3) in writing of his need for  
 19 optometry care (through the Administrative Remedial Process), stating  
 20 in part "The unnecessary Administering optometry care is causing me  
 21 great difficulty". Defendant Stewart stated in All caps "we only have  
 22 one provider for vision services. we have a very long list of  
 23 inmates who are waiting to see this provider. You are on the  
 24 list and will be seen in order of request date. grievance  
 25 denied DATE 1-06-16 Plaintiff Appealed to the First Level,  
 26 stating optometry care is a right and if necessary the prison  
 27 ought to hire additional staff. At the First Level response

## Count 1 Continued

1 The director of nursing at "HOSP" ABuencamino stated  
 2 "You are scheduled to see the eye doctor as soon as  
 3 possible, if there is a Life threatening issue, you may use  
 4 the mandown procedure". grievance denied. Plaintiff  
 5 Appealed to the NDOC-medical Director, who stated,  
 6 "inmates are seen by the optometrist in the order that  
 7 requests for exams are recieved. The optometrist is not  
 8 an employee of the state, and he is generally at the ~~sta~~  
 9 Facility Approximately one day per month, this limits the  
 10 number of inmates who can be seen and how often.  
 11 On 07-25-16 Plaintiff Again filed a grievance, because Plaintiff  
 12 suffered A broken nose due to not being able to see,  
 13 Defendant Stewart stated grievance, "upheld", "You are scheduled  
 14 to see the eye specialist, Any Life threatening medical  
 15 issues use the mandown process". Plaintiff Appealed  
 16 to the First Level where ABuencamino stated in part  
 17 "you are scheduled to see the eye doctor AS SOON AS  
 18 POSSIBLE", grievance denied. Plaintiff Appealed to the  
 19 second level and the NDOC-medical Director Romeo  
 20 Aranas stated "Appointments with the optometrist are  
 21 scheduled in the order that they are recieved. only A  
 22 Limited number of inmates can be seen each month.  
 23 Defendants Stewart, ABuencamino, Aranas were aware of  
 24 Plaintiff need for eye glasses, the unconstitutional delay  
 25 of optometry care and Failed to remedy the constitutional  
 26 Violation. Defendants Aranas, DZurenda, Neuen were  
 27 Primary policy makers and responsible for recruiting

## Count 1 Continued

1 and retaining sufficient optometry staff, and were  
2 deliberately indifferent to Plaintiff's optometry care  
3 need by failing to create customs policies, and  
4 failing to hire sufficient numbers of staff, see  
5 Plaintiff Legal Brief in support of "SAC" section  
6 "1 suits Against Supervisory Staff - For injunctive Relief".  
7 1 Doctor 1 day per month for 4 hours for 9,000  
8 offenders is plainly and obviously not sufficient.

## COUNT II

The following civil rights has been violated: Negligence, gross Negligence, and intentional infliction of emotional distress, Counterpart to Count I, State Law Tort NRS 41.031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Brian Williams, Dwight Neven, James Dzurenda, J. Murphy; L. Stewart, Abuen Camino; Romeo Aranas, on or about 1 May 2015, 1 July 2015, 06-16-16 Plaintiff submitted medical/optometry care requests, Plaintiff has ~~A~~ objectively serious medical need, requiring eye glasses, Plaintiff ~~was~~ was not seen by an optometrist until 01 March 2017, 670 days after request. Plaintiff notified L. Stewart, Abuen Camino and Aranas in writing, who each responded that there was only one eye doctor for one day per month for the entire Facility, Acting in their Administrative capacities as grievance responders, each had a duty of care to act reasonably, each failed (by not expediting) - The Failure of this duty caused Plaintiff's damages, (About 600 days of blurry vision, headaches, watery eyes, and ultimately a broken nose because Plaintiff could not see well enough to deflect a soccer ball). Defendants Williams, Dzurenda, Neven, Aranas, were negligent in creating policies, (As each is a senior Administrator) to ensure the timely adequate



## Count 2 Continued

1 Delivery of medical/optometry care, were each  
2 Negligent in recruiting and retaining sufficient  
3 Number of optometry staff; And These senior  
4 Administrative Administrators were negligent in training  
5 and supervising subordinates. The Foregoing also  
6 caused plaintiff's or was the CAUSA Proxima  
7 of Plaintiff's Blurry vision, watery eyes, headaches  
8 For 600 days, and Broken Nose which caused  
9 Plaintiff substantial emotional/Physiological  
10 distress, which thereby constitute Intentional  
11 (or Reckless) infliction of emotional Distress.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



## COUNT III

The following civil rights has been violated: Deliberate indifference to A serious medical need, A Violation of the 8th Amendment to the U.S. Constitution.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Romeo ARANAS; Dwight Neuen; James Dzurenda; Brian Williams; M. Cervas; J. Turress.  
On 8 April 2016 Plaintiff was doing laps in the 7/8 Quad  
when a soccer ball went astray and Broke Plaintiff's nose.  
Plaintiff sustained A deviated septum, (Broken nose), 2  
Black eyes, 2 lacerations on the right side of his face  
where the bone from the nasal cavity protruded, and  
partial (right side of face) neurological paralysis, which  
persists to this day. Plaintiff submitted a medical request  
in person to nurse J. Turress on 4-04-16, and showed  
Turress Plaintiff's obvious Broken nose, to which she  
deliberately indifferently stated drink some water you'll  
be OK in the morning. It doesn't appear that turress processed  
Plaintiff's medical request as the prison has no record of it  
(but Plaintiff has carbon copies). Plaintiff submitted additional  
requests for medical care on 4-18-16, 5-12-16, w/ response  
or care. on 4-11-16 Plaintiff was forced to straighten  
his nose (Fixate septum) in the cell. on 06-16-16 Plaintiff

## D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? ☒ Yes ☐ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

## Count 3 Continued

1 Submitted A grievance with the carbon copies of his  
 2 medical Kites, STating I needed to see A medical provider  
 3 For my Broken Nose, Defendant M. Cervas stated  
 4 grievance "denied" w/ record of Broken Nose. Plaintiff  
 5 was interviewed by A medical provider on 11-29-16, prescribed  
 6 Ibuprofen, ordered X-Rays. The Dr. Stated the State  
 7 would not pay for evaluation or treatment of the  
 8 neurological paralysis. Plaintiff was NOT examined  
 9 or evaluated, only interviewed. Finally on 9-15-17  
 10 Plaintiff was actually examined and evaluated by Dr.  
 11 Brian. Dr. Brian examined plaintiff's nasal cavity and  
 12 discussed substantial inflammation, prescribed Ibuprofen,  
 13 Nasal spray, and stated I probably should go to  
 14 a nose, ear, throat specialist for evaluation. ON ~~11-20-17~~  
 15 11-20-17 Plaintiff was seen by a different Dr. who  
 16 stated That I wasn't going to the specialist. refilled  
 17 Plaintiff prescription. J. Torres was deliberately indifferent  
 18 For Not scheduling Plaintiff For medical care expeditiously,  
 19 and MAKING indifferent statements. Defendant M. Cervas  
 20 was deliberately indifferent, Because Plaintiff made cervas  
 21 AWARE of the Broken Nose and pain in writing, and  
 22 instead of providing adequate timely care, Failed to remedy  
 23 the constitutional violation, denied grievance, which is A  
 24 denial to Access to care. Finally Defendants  
 25 Acuna, Neven, Williams and Dzurenda are senior  
 26 Administrative Staff (sued in this count, ONLY AS  
 27 official capacity defendants, see Plaintiff's

Count 3 continued

1 Legal Brief in support of "SAC" section 1  
2 Suits against Supervisory Staff For injunctive relief")  
3 Because The "MDS" at HDSP is so deficient, As  
4 the system and policies in place, of processing  
5 medical requests, and scheduling medical appointments is  
6 so deficient, and creates undue delay, that  
7 the system and policies are deliberately indifferent.  
8 having to wait 7 months for a medical interview and 15 months  
9 (4-18-16 to 9-18-17) for an actual medical examination  
10 and evaluations is representative of the deficiencies.  
11 The Administrative Staff were deliberately indifferent  
12 in creating policies and recruiting and ~~not~~ retaining  
13 medical staff, preventing the Administration and  
14 continuity of medical care. According to Dr. Brian  
15 ON 09-18-17, He was only Allowed to work at  
16 the Prison 4 hours per day 4 days per week, and  
17 the only provider for 4,000 inmates.

## COUNT 4

The following civil rights has been violated: Negligence and/or gross negligence  
Counterpart to Count 3, State Law Tort, NRS 41-031  
Administrative (Not medical) Negligence.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Rome Aranas; Dwight Neven; James Dzurenda;  
Brian Williams; M. Cervas.

On April 8 2016 Plaintiff sustained A Broken Nose.  
Due to the deficient "MDS" at "HDSB" Plaintiff was  
Forced to Fixate his own Nose, and did not  
received an Actual medical examination until  
9-18-17 (Although he was interviewed by A doctor on 11-  
29-16. Plaintiff notified medical staff in person and  
in writing on 4-9-17, 4-18-16, 5-12-16. On 6-16-16 Plaintiff  
Notified A grievance coordinator M. Cervas of Plaintiff's  
injuries, with carbon copies of medical requests Attached,  
and Defendant cervas in an Administrative capacity Refused  
to Schedule Plaintiff For medical care, M. Cervas was  
Negligent/grossly Negligent, As denying the grievance was  
Denying Access to medical care, M. Cervas had A duty  
(to Administratively uphold Plaintiff's grievance) Failed in  
SAid duty - causing Plaintiff Further Damage Defendants  
Aranas, Neven, Dzurenda, Williams, are senior  
Administrative Policy MAKers/supervisors within the NDOC.

## Count 4 Continued

1 Each of these Defendants are responsible for creating  
 2 Policies, recruiting, retaining and supervising staff,  
 3 and ensuring the timely and Adequate delivery of  
 4 medical care at HPSP. These Defendants have  
 5 been negligent/grossly negligent in creating Policies,  
 6 recruiting, retaining and supervising staff, sufficiently.  
 7 This Failure Not episodic, But Systemic. These  
 8 Defendants are fully cognizant of these deficiencies,  
 9 AS The USDC - D. Nev. Court Pockets are  
 10 Full of Lawsuits Against these Defendants  
 11 For the same torts. The Failure of their  
 12 Administrative duties are the direct and  
 13 proximate cause of plaintiffs Damages.

COUNT 5

The following civil rights has been violated: Deliberate indifference, Failure to provide Adequate outdoor exercise, A Violation of the 8<sup>th</sup> Amendment to the U.S. Constitution.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: H. Wickham, Brian Williams, Quentin BYRNE, W. GLASS, Perry Russell, James Dzurenda. Between 11-5-16 1-3-18 Plaintiff was housed in "PSU" From 11-5-16 to 08-24-17 in unit 11-A-3 and 8-24-17 to 1-3-18 in 11-e-27, 424 days. During this period of time unit 11 has experienced excessive Lockdowns, in fact, more Lockdowns From January 2017 to January 2018 than the Last 5 years Combined. The prison has established a schedule of 4 hours of outdoor exercise per week. The days for yard have changed (ie when Plaintiff was in 11-A-3 yard was Monday, Tuesday, Wednesday, Thursday, and now that Plaintiff is in 11-e-27, yard days are Monday, Wednesday, Thursday and Friday, one hour per day X 4 days per week). This 4 hours per week is insufficient to meet constitutional minimum of 8 hours per week (Toussaint-v-McCurthy 597 F.Supp. 1388, 1402 [N.D. Cal. 1984] AFF'd in part; Rev'd in part on other grounds 801 F.2d 1080 9<sup>th</sup> Cir. 1986), and Also violates The Geneva Convention on the Prevention of Crime and treatment of offenders, held 1955, Approved 1957



## Cant 5 continued

1 revised, reapproved May 22 2015. which requires  
 2 one hour of exercise, in open air per day. Between  
 3 1-3-17 to 1-3-18 there were 208 ~~eligible~~  
 4 scheduled yard days, out of the 208 scheduled  
 5 yard days yard was either cancelled completely  
 6 or unreasonably delayed over 70 times.  
 7 On May 2 & 4 yard was cancelled completely so staff  
 8 and c/o's could party at the prison gym. (on  
 9 2-7-17 Plaintiff only received 39 of the 60 minutes  
 10 scheduled.) Please see page 6<sup>9-1-23</sup> For A Full List  
 11 of Delays or Cancellations of yard From 1-3-17  
 12 to 1-3-18. It is important to note these delays were  
 13 not irregular episodic instances, But the regular  
 14 occurrence. This prolonged denial of out door exercise yard  
 15 presents an Atypical hardship on Plaintiff. Level 2 (which  
 16 is the same level as Plaintiff) offenders in general population  
 17 at HOSP (same prison as Plaintiff) receive 90 to 120  
 18 minutes of yard per day every day. At 6 of the 8  
 19 Prisons Administered By NDOC (with the same or  
 20 similar rated Level as Plaintiff Level 2) offenders  
 21 receive up to 10 hours of yard per day or 50-70 hours  
 22 per week. Plaintiff is clinically Diagnosed with 1) clinical  
 23 depression 2) clinical Anxiety, and is on the maximum  
 24 Psychotropic medication for each. The Lack of regular outdoor  
 25 yard (especially the Fri, Sat, Sunday - 72 hours of no yard)  
 26 has substantially exacerbated Plaintiff's Physiological  
 27 (PANIC Attacks, extreme Chest PAIN, hyper-tension.  
 28

## Count 5 continued

1 and muscle Atrophy), symptoms, and Psychological  
 2 Symptoms (depression, Anxiety, Anger, Sadness and  
 3 regular suicidal ideation), For no penological purpose.  
 4 The irregularity of outdoor yard also prevents plaintiff  
 5 From establishing a regular workout routine, As  
 6 Notification of delay or cancellation does not exist, we  
 7 wait to be released in hope. The schedule for 4 hours  
 8 per week was created by warden [Defendant] Brian Williams.  
 9 Plaintiff Filed multiple grievances putting the Following  
 10 Defendants on notice of the Constitutional Violations,  
 11 each Failed to Remedy the Constitutional Violation:  
 12 H. Wickham, Brian Williams, Quentin Byrne, W. Glass, Perry Russell.  
 13 Defendant Wickham stated in part "Safety & security needs are  
 14 always a priority" -- you are receiving 4 hours  
 15 of yard per week; Quentin Byrne stated "4 hours of  
 16 yard time per week", grievance denied. Brian Williams  
 17 stated "unit 11 is scheduled for 5 hours of yard time per  
 18 week, This Falls within (sic) the state and Federal  
 19 guidelines". And W. Glass responded stated "Yard -- Fall  
 20 within state and Federal guidelines. I cannot find where  
 21 your rights have been violated. Each of the Above  
 22 had the opportunity ~~and fail~~ to remedy the Constitutional  
 23 Violations Plaintiff even provide The Following  
 24 in each grievance ① Problem ② relevant Federal  
 25 case Law ③ The harm excessive lockdown caused,  
 26 ④ Remedy. Finally Plaintiff submitted A grievance for  
 27 every instance of delayed yard and each time



## YARD DATA

1	1-3-17	1341hrs to 1415hrs	29 minutes of yard	(1)
2	1-5-17	No YARD	0	(2)
3	1-10-17	1342hrs to 1415hrs	28 minutes of yard	(3)
4	1-12-17	1243hrs to 1300hrs	17 minutes of yard	(4)
5	1-17-17	1325hrs to 1415hrs	50 minutes of yard	(5)
6	1-19-17	1222hrs to 1300hrs	38 minutes of yard	(6)
7	1-28-17	1222hrs to 1300hrs	38 minutes of yard	(7)
8	1-31-17	No yard	0	(8)
9	2-7-17	1336hrs to 1415hrs	39 minutes of yard	(9)
10	2-23-17	No yard	0	(10)
11	3-9-17	1226hrs to 1300hrs	34 minutes of yard	(11)
12	3-14-17	No YARD	0	(12)
13	3-16-17	1214hrs to 1300hrs	46 minutes of yard	(13)
14	3-18-17	0855hrs to 0930hrs	35 minutes of yard	(14)
15	4-6-17	No YARD	0	(15)
16	4-8-17	No YARD	0	(16)
17	4-20-17	1337hrs to 1415hrs	38 minutes of yard	(17)
18	4-24-17	1227hrs to		(18)
19	4-25-17	No YARD	0	(19)
20	5-1-17	1220hrs to 1300hrs	40 minutes of yard	(20)
21	5-2-17	No yard - Staff BBR @ gym	0	(21)
22	5-4-17	No yard - Staff BBR @ gym	0	(22)
23	6-29-17	1230hrs to 1300hrs	30 minutes of yard	(23)
24	7-27-17	No YARD	0	(24)
25	8-2-17	No YARD	0	(25)
26	8-7-17	1215hrs to 1300hrs	45 minutes of yard	(26)
27	8-9-17	0900hrs to 0945hrs	45 minutes of yard	(27)

1	8-14-17	1213hrs to 1300hrs	47 minutes of yard	(28)
2	8-21-17	1230hrs to 1300hrs	30 minutes of yard	(29)
3	8-22-17	No yard	0	(30)
4	8-23-17	No yard	0	(31)
5	8-24-17 (11-e-27)	No yard	0	(32)
6	8-25-17	No yard	0	(33)
7	8-31-17	No yard	0	(34)
8	9-1-17	No yard	0	(35)
9	9-7-17	1222hrs to 1300hrs	38 minutes of yard	(36)
10	9-8-17	No yard	0	(37)
11	9-11-17	No yard	0	(38)
12	9-13-17	0805hrs to 0830hrs	25 minutes of yard	(39)
13	9-14-17	1226hrs to 1300hrs	34 minutes of yard	(40)
14	9-20-17	0737hrs to 0820hrs	43 minutes of yard	(41)
15	9-21-17	1210hrs to 1300hrs	50 minutes of yard	(42)
16	10-4-17	No yard	0	(43)
17	10-11-17	0739hrs to 0825	46 minutes of yard	(44)
18	10-12-17	No yard	0	(45)
19	10-16-17	1323hrs to 1410hrs	47 minutes of yard	(46)
20	10-20-17	No yard	0	(47)
21	10-23-17	<del>13</del> 1330hrs to 1415hrs	45 minutes of yard	(48)
22	10-26-17	1220hrs to 1300hrs	40 minutes of yard	(49)
23	11-1-17	No yard to	0	(50)
24	11-2-17	No yard to	0	(51)
25	11-6-17	1326hrs to 1415hrs	49 minutes of yard	(52)
26	11-8-17	0810 hrs to 0830hrs	20 minutes of yard	(53)
27	11-9-17	1240hrs to 1300hrs	20 minutes of yard	(54)

1	11-13-17	1325hrs to 1415hrs	50 minutes	(53)
2	11-16-17	No yard to 0		(50)
3	11-17-17	No yard to 0		(57)
4	11-22-17	0750hrs to 0830hrs	40 minutes of yard	(58)
5	11-23-17	No yard to 0		(59)
6	11-24-17	1012hrs to 1100hrs	48 minutes	(60)
7	11-27-17	1325hrs to 1410hrs	45 minutes of yard	(61)
8	11-29-17	0744hrs to 0830	46 minutes of yard	(62)
9	11-30-17	1225hrs to 1300hrs	35 minutes of yard	(63)
10	12-1-17	No yard to 0		(64)
11	12-6-17	0750hrs to 0830hrs	40 minutes of yard	(65)
12	12-7-17	1252hrs to 1300hrs	8 minutes of yard	(66)
13	12-11-17	1345hrs to 1415hrs	30 minutes of yard	(67)
14	12-13-17	0747hrs to 0830hrs	43 minutes of yard	(68)
15	12-14-17	1210hrs to 1300hrs	50 minutes of yard	(69)
16	12-15-17	1012hrs to 1100hrs	48 minutes of yard	(70)
17	12-16-17	1326hrs to 1405hrs	39 minutes of yard	(71)
18	12-20-17	No yard to 0		(72)
19	12-21-17	No yard 0		(73)
20	12-22-17	No yard 0		(74)
21	12-25-17	1332hrs to 1415hrs	43 minutes of yard	(75)
22	12-27-17	0753hrs to 0825hrs	32 minutes of yard	(76)
23	12-28-17	1230hrs to 1235hrs	5 minutes of yard	(77)
24	1-1-18	1334hrs to 1415hrs	41 minutes of yard	78
25				
26				
27				
28				

# 1 Lockdown DAT At HDSP.

2 The Lockdown DATA Below represents Periods  
 3 of "modified Lockdown at HDSP, which is Just a  
 4 Label to identify the cancellation of tier, LAW  
 5 Library, yard, and being Forced to stay in cell.  
 6 Notably, Since Brian Williams has become the  
 7 Warden at HDSP (around January 1 2017), The  
 8 Prison has experienced Unpresented Periods of  
 9 Lockdown, more Lockdowns in the past 12 months  
 10 than the Previous 10 Years Combined. These  
 11 Lockdowns are the Normal course of Business for  
 12 Mr. Williams, Allegedly due to Staff Short Falls, However  
 13 All the C/O's state they are willing to work, but  
 14 are Just not scheduled to.

## 17 Lockdown Dates

18 ① 1-1-17	⑪ <del>5-14</del> 5-2-17
19 ② 3-19-17	⑫ 5-4-17
20 ③ 3-30-17	⑬ 5-14-17
21 ④ 4-6-17	⑭ 7-6-17
22 ⑤ 4-8-17	⑮ 7-7-17
23 ⑥ 4-9-17	⑯ 7-12-17
24 ⑦ 4-14-17	⑰ 7-27-17
25 ⑧ 4-21-17	⑱ 8-2-17
26 ⑨ 4-28-17	⑲ 8-22-17
27 ⑩ 4-30-17	⑳ 8-23-17

1 Lockdown DATA continued

2	(21) 8-24-17	(47) 12-20-17
3	(22) 8-25-17	(48) 12-21-17
4	(23) 8-26-17	(49) 12-22-17
5	(24) 8-27-17	(50) 12-24-17
6	(25) 8-31-17	(51) 12-26-17
7	(26) 9-1-17	(52) 12-28-17
8	(27) 9-8-17	(53) 12-29-17
9	(28) 9-9-17	
10	(29) 9-10-17	
11	(30) 9-15-17	
12	(31) 10-12-17	
13	(32) 10-20-17	
14	(33) 10-22-17	
15	(34) 10-28-17	
16	(35) 11-1-17	
17	(36) 11-2-17	
18	(37) 11-4-17	
19	(38) 11-5-17	
20	(39) 11-16-17	
21	(40) 11-17-17	
22	(41) 11-19-17	
23	(42) 12-8-17	
24	(43) 12-13-17	
25	(44) 12-16-17	
26	(45) 12-17-17	
27	(46) 12-18-17	

28

Count 5 Continued

1 Defendant Perry Russell rejected the Filing  
2 As being A Duplicate grievance even though each  
3 instance was a different date, by Rejecting  
4 the Filing Perry Russell prevented Plaintiff from  
5 possibly reviewing yard. Defendant James Dzurenda  
6 is The Chief policy maker and is Being sued in this  
7 Count only as an official capacity Defendant  
8 For Failing to create, implement policy that ensures  
9 Adequate Access to yard. The Policies in place are violative  
10 of the 8<sup>th</sup> Amend. (See Plaintiff's Legal Brief  
11 in support of 'SAC' section 1 suits Against  
12 Supervisory Staff For injunctive relief").

## COUNT ■ 6

The following civil rights has been violated: Negligence and/or gross Negligence  
Counterpart to count 5; state law tort NRS 41.031

---

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: H. Wickham; Brian Williams; Quentin Byrne;  
W. Glass; Perry Russell, James Dzurenda.  
Each of the above defendants owed A duty of care to Plaintiff, Failed  
in said duty and the Failure was the direct or proximate cause  
of Plaintiff's injuries/damages. The senior Administrative officials,  
Wickham, Williams, Byrne Russell, Dzurenda were Negligent  
in training and supervising subordinate staff, were Negligent  
in creating policies to ensure Timely and Adequate Access  
to outdoor exercise yard. W. Glass was Negligent in  
causing the tort, by denying Plaintiff relief through the grievance  
process. The negligent/Grossly Negligent creations of  
Policies and training and supervision denied Plaintiff (the  
Federal minimum) Access to yard in an unreasonable manner.  
Between 1-3-17 to 1-3-18 Plaintiff was scheduled for 4 hours  
of yard per week, during this period of time yard was cancelled  
(for staff party/BBox at the Prison gym) or unreasonably delayed  
more than 70 times. Plaintiff has suffered substantial  
Physiological/psychological harm, As Plaintiff is clinical diagnosed  
and medicated for (1) clinical Anxiety (2) clinical depression



COUNT ~~6~~ 7

The following civil rights has been violated: Intention infliction of emotional distress; Counter part to count 5, 6 - State Law Tort; NRS 41.031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: H. Wickham; Brian Williams; Quentin Byrne; W. Glass; Perry Russell; James Dzurenda 1-3-17 to 1-3-18, Plaintiff  
was subjected to prolonged, unnecessary in cell lockdown. Plaintiff was schedule for exercise yard 4 days per week, 208 days total, of which more than 70+ were cancelled or  
unreasonably delayed. There were more lockdowns in this one year  
period than the previous five years combined. Brian Williams  
created a yard policy that restricts yard access to 4 hours per  
week, in violation of Federal and international minimum standards.  
Defendants Wickham, Williams, Byrne, Glass, and Russell  
were notified, in writing by Plaintiff of the insufficient  
yard time, unreasonable delays and cancellations,  
and having administrative Authority to cure the problems  
refused to fix the problem. The Failure of these defendants  
to intervene constitutes a dereliction of there duty and  
is the tort of intentional infliction of emotional distress.  
The Failure of the defendants, to provide humane conditions  
has substantially exacerbated Plaintiff's mental health  
conditions. (1) clinical Anxiety (2) clinical depression



## Count 7. Continued

1 (For which Plaintiff is on the maximum dosage of  
2 Psychotropic medication permissible for each). Causing Plaintiff  
3 Substantial physiological Harm (panic Attacks, chest pain,  
4 hypertension, muscle Atrophy), Psychological harm (Depression,  
5 Anxiety, Anger, suicidal ideation) and A hostile Living  
6 Environment because: Most all other offenders are  
7 experiencing the same harm. Out of a 168 hour week,  
8 Plaintiff is Locked in cell For 148 hours with another  
9 offender, on a good week, This Violates Contemporary  
10 Standards of decency that Mark the Progress of A mature  
11 Society and ought to shock the Conscience of an  
12 ordinary person.

COUNT 8

The following civil rights has been violated: Violation of the Due Process Clause of the 14th Amendment to the U-S Constitution

---

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Lt. Owens, Perry Russell, James Dzurenda, Brian Williams  
From January 3-2017 to January 3-2018 HDSP-Operating  
procedure 717 was in effect and governed plaintiff  
in 'PSU' and Plaintiff Access to yard. This "OP" gave  
Rise to A Liberty interest. (See "Plaintiff" Legal  
Brief in support of "SAC" Section #3 "State created  
statutes & policies that give Rise to A Liberty interest, requiring  
Procedural/substantive due Process"), This policy provided that  
Plaintiff was to receive 4 hours of yard per week. However, as reflected  
by "YARD DATA" pages 6-G- 1, 2, 3, Plaintiff was denied These 4  
hours per week, over 70 times, and was not afforded due process.  
In Fact when plaintiff sought Procedural Administrative remedies, Defendant  
Russell rejected the Filings, stating it was an Abuse of grievance process,  
to File A grievance each time plaintiff was deprived of yard. The  
Delays and cancellations were done by Defendants Owens, Perry, Williams.  
Defendant Dzurenda Failed to create policies to AFFORD due Process and  
is named only in Official capacity for this Court. (see Plaintiff  
Legal Brief in support of SAC § 1 Suits Against Supervisory Staff  
for injunctive relief) Plaintiff has suffered Physiologically/psychologically.

## COUNT 9

The following civil rights has been violated: Deliberate indifference, Conditions of Confinement, Failure to Provide Adequate Sanitation, A violation of the 8<sup>th</sup> Amendment U.S. Constitution

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: JAMES DZUSCENDAT, J. FALISZEK, OUGHT NEWEN, H. WICKHAM. Around July 2015 Plaintiff left main line yard and entered "PSU", and has remained in "PSU" to present DATE 1-3-18. During this entire period of time the HOSP outdoor yard has NOT had A Restroom. Even though other MDCC Facilities have toilets on the yard. The Prison is located in arid region, requiring Plaintiff (and other offenders) to hydrate. During the scheduled yard time, when Plaintiff and other offenders have had to use the Bathroom, the C/O's who control outdoor/indoor movement have mostly refused to Allow Plaintiff to go in to use the Bathroom, causing Plaintiff to soil himself (Dates will be provided), and caused Plaintiff ~~and~~ and other offenders to urinate/defecate on the yard, causing unsanitary conditions as well as embarrassment/humiliation. On the rare, ~~and~~ occasions where the C/O controlling indoor/outdoor movement answered the call button (which is Very RARE) and Allowed Plaintiff in to use the Bathroom, the C/O would not Allow Plaintiff BACK out to yard, thereby ending yard time. In some cases Plaintiff was Forced to go without A Bathroom for up to 2 hours or more.

Plaintiff had about 4-5 verbal discussions with (caseworker) Defendant Faliszek. Faliszek being the unit supervisory, overseeing the officers who would not let Plaintiff in for restroom use, could have ordered these officers to allow for bathroom use. Faliszek's exact words were "I don't know what to tell you." After about 2-3 months, 4-5 conversations with Faliszek, he gave Plaintiff an informal grievance. In the informal grievance (which Faliszek answered & denied) Plaintiff stated in part "I am filing this grievance because the yard doesn't have a bathroom. . . . The C/O's won't let us in for bathroom breaks. . . . even if we are permitted a bucket that would be better than nothing." Defendant Faliszek stated "Grievance denied" "You are not being denied recreation time on yard. If you need to use restroom facilities while on recreation time on the yard, you are allowed back in the unit, but you will not be allowed back out. Your proposed remedy of, 'a bucket is better than nothing?' is not sanitary or reasonable." Faliszek took no action and the lack of access persisted. Plaintiff formally appealed to the warden Dwight Neven. Neven stated "The caseworker addressed this issue appropriately. Neven took no action in spite of the lack of sanitation. So Plaintiff appealed to the Director who took 18 months to respond. Defendant Wickham reviewed my complaint and stated "I have reviewed your 2nd level grievance and agree with the warden of HOSP. Grievance denied. Wickham refused to remedy the obvious lack of adequate

1 Sanitation at HOSP. This problem persists. Plaintiff is  
2 Forced to hold his bowel movements and other functions, which  
3 is not healthy and will eventually cause medical problems,  
4 or go in the open on the yard. James Dzurenda is  
5 being sued in his official capacity for this Court,  
6 Because he has failed to create policies that ensure  
7 Adequate and timely access to restroom facilities  
8 during yard. (see Plaintiff Legal Brief in support of  
9 "SAC", suits Against supervisory staff for injunctive relief").

COUNT 10

The following civil rights has been violated: Negligence - Counter Part  
to Count 9 - State Law Tort NRS 41-031.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: James Dzurenda; J. Faliszek; Dwight Neven;  
H Wickham.

Between July 2013 to 1-3-18 The Above Defendants  
Failed to Allow Plaintiff Access to restroom Facilities  
during recreation yard time, up to 2 or more hours  
@ a time, causing Plaintiff to soil himself, or go in  
plain view of other offenders, causing unsanitary yard  
conditions. Plaintiff made Defendants Faliszek, Neven and Wickham  
aware of plaintiff need, in writing, each Failed to respond  
reasonably. Defendant Dzurenda Failed to create policies  
to ensure Adequate Access to restroom Facilities, and  
Failed AS the most senior supervisor of WDOC to Train  
and supervise Faliszek, Neven and Wickham in the  
scope of their employment, as was his duty, said  
Failure contributed to plaintiff's injuries/damages.

## COUNT II

The following civil rights has been violated: Deliberate indifference, conditions of confinement; Failure to provide Adequate sanitation A Violation of the 8<sup>th</sup> Amendment. U.S. Constitution.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: James Dzurenda; Dwight Neven; Malorie Calderwood, S.L. Foster. From 7-24-15 to 11-5-16 Plaintiff was housed in unit 7 @ HOSP which is "psu". During the relevant time referenced defendants installed and maintained technological devices which restricted the toilets in the cells plaintiff was housed in, with another offender to only flush once every 15 to 20 minutes. These devices and the policy of utilizing such devices caused a toxic living environment. The cell and Dayroom often smelled of raw sewage, since plaintiff could only flush the toilet at a delay (and often the toilets would not completely flush, leaving residual fecal matter) Plaintiff (and other offenders) were deterred from using the toilet until Plaintiff's cellmate would go out to tier. Other offenders would defecate in the showers, and the officers were aware of this. Plaintiff notified Defendant Faliszek, who stated "oh well that's prison". Plaintiff also filed a grievance, who defendant malone stated "flushing restriction in place to preserve water". Plaintiff appealed to defendant Calderwood and S.L. Foster Both deferred to



Count II Continued

1 Defendant Malone, and Refused to take Action to  
2 Remedy the situation. Dwight Neven and James  
3 Dzurenda are sued only in official capacity For  
4 this Count, Because The Policy of having the  
5 restricted Flushing was created OR maintained  
6 by these 2 Policy makers. (See Plaintiff's Legal  
7 Brief in support of "SAC", ~~see~~ section 1 suits against  
8 Supervisory Staff for injunctive relief). This caused  
9 A toxic Living environment.



COUNT 12

The following civil rights has been violated: Negligence - Counter part to  
Count 11 - State Law tort NRS 41-031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: James Dzurenda, Dwight Newen, Malone, Calderwood, S.L. Foster. From 7-24-15 to 11-5-16 The Above defendants maintained Technological Devices Restricting the Flushing of in cell toilets, creating unsanitary conditions. The Above defendants had a duty to provide Adequate Access to Bathroom use and Sanitary conditions. Failed in they're duty causing a toxic living environment. Dwight Newen, James Dzurenda being Senior Supervisors Failed to Train and Supervise Defendants Malone, Calderwood, S.L. Foster, and Failed to create A policy ensuring sufficient Sanitation.

## COUNT 13

The following civil rights has been violated: Intentional infliction of emotional distress - State Law tort; NRS 41.031; And Negligence

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Lt. Provencial, Lt. Owens; Lt. Plumlee; Perry Russell, C/O VAUGHN, Sgt. Antiveras; on or about September 2016 Lt. Provencial stated to Plaintiff "Stop looking at C/O Burton's ASS" (then in a lower voice he said "Faggot") Don't be offended. calling a gay person a Faggot is like calling a African American the "N" word. Lt. Provencial made this comment in front a bunch of c/o's and other offenders. Plaintiff was NOT looking at anyone's Buttocks. This was humiliating as Plaintiff had to endure derogatory comments & harassment by other offenders as a result of this statement. on May 20 2016 Plaintiff's cellmate was involved in a Fight at the chawhall. Lt. Provencial Look directly at plaintiff and stated "give me an excuse, to blow someones Face OFF. on 10-26-16 (and the Approx. 2 week Prior and 2 weeks After) C/O VAUGHN while working the gun rail was screaming, yelling Profanity Laced epithets at plaintiff in Route to the chawhall. The senior Administrative STAFF AT HDSP Russell, Owens, Provencial Antiveras have promoted A Hostile, toxic Living environment So ripe For Abuse that it is a regular common

1 occurrence for officers to unlawfully and  
 2 sadistically used excessive force and beat, without  
 3 chits, inmates. They recently shot & killed an inmate in  
 4 handcuffs for a kicking fight. The Administrative staff  
 5 refuse to address the verbal, sexual, psychological and  
 6 physical abuse of inmates. Sgt. Antiverus threatened to  
 7 drag plaintiff to "ops" and tie him up. The combative and  
 8 escalative attitude of the officers (and the Administration's  
 9 tacit approval and failure to punish abusive conduct) have  
 10 created a hostile living environment, causing plaintiff, nightmares,  
 11 fear for his personal safety, as it is only a matter of  
 12 time before someone shoots or beats plaintiff. This  
 13 has caused plaintiff panic attacks, and exacerbates  
 14 his clinically diagnosed Anxiety & depression. Plaintiff  
 15 has discussed this with 2-3 therapists, who acknowledge  
 16 and agree that this is going on. This ultimately causes  
 17 plaintiff to avoid most out of cell activities. Prior to  
 18 dismissing this court, plaintiff requests this court  
 19 review Plaintiff's legal Brief in support of "SAC" section  
 20 4 humane treatment of offenders.

21 Society generally holds law enforcement to a higher ethical  
 22 standard, yet these officers are held to a lesser standard  
 23 than convicted Felons. Supervisory staff are liable for  
 24 negligent training supervision (supervisory liability)

COUNT 14

The following civil rights has been violated: Refusal to Provide Religious Diet Accommodation, A Violation of RLUIPA, 1st Amend U.S. const Free exercise, and 14th Amend U.S. const. equal protection.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Brian Williams, Julio Calderin, James Dzurenda, Faliszek;  
As early as 2014 Plaintiff submitte a "State of Nevada [NDOC]  
Religious/Spiritual Belief Diet Accommodation request and registration  
Form" (Herein after "DOC# 3060"). After no response on  
2-3-16; 4-5-2016; 4-27-16 Plaintiff personally submitted,  
by hand delivery A DOC#3060 Form to defendant  
Calderin. Plaintiff is "registered" As a buddhist with NDOC-HOSP,  
and has been since entering NDOC - 2012. Plaintiff is  
sincere in his beliefs, Follows the 4 noble truths, the 8 Fold  
Path, and the 10 Buddhist precepts. Plaintiff Follows the teachings  
of The Tzu Chi Foundation; Dharmapala master Shih yen Cheng and  
Thatch nut HAW, and his beliness the Dali Lam. Plaintiff sincerely  
believes that A Diet Based upon ethical sourcing of plant-  
vegetable, nut, fruit Fish is absolutely necessary to Fully  
Practice his religon. Plaintiff also believes that unnatural  
Processed/chemically preserved Foods (nitrites, nitrates etc.),  
violates religious practices of buddhism. Buddhism teaches that  
a (ethically grown) Nature based diet is Absolutely necessary  
For spiritual Balance and that Animal products and meat

Count 14 Continued.

1 is not acceptable for 2 reasons (1) meat is not acceptable  
 2 because a sentient being is being butchered, causing negative KARMA for  
 3 Plaintiff. (2) Animal based products such as eggs, milk, cheese are the  
 4 product of industrialized farming/dairy, which torture the animals that  
 5 the products come from, This negative KARMA then causes cyclic  
 6 re-incarnation or samsara preventing Plaintiff from reaching NIRVANA/  
 7 Slipstream. Chemical Additives cause a physio-spiritual impediment.  
 8 Plaintiff explained this to Caldron, and since the prison does not have  
 9 a spiritual diet to accommodate, Plaintiff offered to compromise  
 10 and take the common fair diet, offered to Muslim, Jewish, 7<sup>th</sup> day  
 11 Adventists, Because Common Fair most closely accommodates  
 12 Plaintiff's needs, ie oatmeal, onions, carrots, bell peppers, quinoa,  
 13 all fresh raw vegetables. Caldron personally denied Plaintiff's  
 14 "Doc # 3060", Plaintiff appealed to case worker Faliszek and  
 15 Warden Williams per instructions on Doc # 3060 form. Both stated  
 16 grievances denied and refused to remedy the violations. Plaintiff is a  
 17 religious minority member, similarly situated with Muslim/Jewish  
 18 offenders and denied equal access, Further strict compliance  
 19 with Plaintiff diet would just consist of fresh raw vegetables,  
 20 Rice, Beans, oatmeal & tuna, All of which the prison already  
 21 buys. This has caused Plaintiff negative KARMA, potentially  
 22 causing Plaintiff to be born in the Hungry Ghost Realm.  
 23 James Dzurenda is sued as official (Policy Maker) capacity  
 24 for this count. see Plaintiff's Legal Brief in support of  
 25 SAC § 1.  
 26  
 27  
 28

COUNT 15

The following civil rights has been violated: Negligence, IIED, Gross Negligence  
Counterpart to Count 14, State Law tort, NRS. 41031

---

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Brian Williams, Julio Caldin, James Dzurenda, Faliszek.  
Plaintiff has attempted to receive a religious diet accommodation  
as early as 9-9-14 (see grievance # 20063026391),  
Filed Doc # 3060 Form on three separate occasions to  
Defendant Caldin. Defendant Caldin, Williams, Faliszek refused  
to allow plaintiff to practice his religion through his diet. Each  
had a duty to allow plaintiff to have a religious diet  
consistent with his religious scruples. Failed in said  
duty - ~~and~~ whereby Plaintiff has abandoned these  
beliefs as he had nothing else to eat. This has  
caused Plaintiff to accrue negative KARMA. In other  
words plaintiff can be ~~a~~ Reborn in Hell/hungry ghost  
Realm. James Dzurenda, chief policymaker for MDAC,  
Failed to create policies, and train and supervise  
Caldin, Williams, Faliszek

---

---

---

---

---



## COUNT 16

The following civil rights has been violated: Deliberate indifference to A serious dental Need, A Violation of the 8<sup>th</sup> Amendment U.S. Constitution, And IIED, State LAW Tort, NRS 41.051.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: ABuenacamino; June Doe ("CB"); Dr. mangapit; Dr. Sanders, J. Torress; Rome Aranas, Perry Russell, James Ozuenda. On 8-18-15 Plaintiff was seen by Dr. mangapit, the prison dentist at HPSR. Plaintiff had A molar tooth removed @ this time, #2, at this time plaintiff ask Dr. mangapit to fill the tooth #3 next to the extraction, and treat plaintiff's other teeth, As plaintiff had minor tooth pain from these cavities. Dr. mangapit refused to treat any of these cavities. From 8-18-15 to About 1-21-17 tooth #3 caused some pain but not extreme. On or about 1-21-17 tooth #3 became inflamed, the nerve became exposed causing plaintiff extreme pain, difficulty eating, talking and sleeping. It felt like A Ice pick being jammed repeatedly into my Jaw/Face. Dr. mangapit was deliberately indifferent on 8-18-15 by refusing to treat plaintiff's teeth. Plaintiff submitted handwritten medical notes to J. Torress, directly by hand on (1) 1-31-17 (2) 1-27-17 (3) 2-6-17 (4) 2-9-17. Stating Plaintiff was in extreme pain, requesting "PAINPACKS". Plaintiff's medical notes were processed by June Doe (initials "CB") on 2-7-17, 2-8-17, 2-14-17, 2-10-17. Plaintiff was NOT



Count 16 continued

1 Provided with PAIN PACKS, but instead ignored. Plaintiff  
 2 Specifically, personally ASKED J. Torres at least twice For a  
 3 PAIN PACK, J. Torres said No and ignored Plaintiff. J. Torres Also  
 4 refused to send Plaintiff A pain pack. Plaintiff was seen on  
 5 3-27-17. This 65 day delay Also constitutes deliberate -  
 6 indifference. On 3-27-17 Dr. mangait stated the tooth could  
 7 be SAVED IF Plaintiff could pay for A Root Canal. Plaintiff couldn't,  
 8 Plaintiff ASKED Dr. mangait to treat the tooth and save it, and  
 9 to treat the tooth next to it, which was also painful. mangait  
 10 refused, and stated he would only extract one tooth. mangait  
 11 extracted # 3. Plaintiff ASKED if his other teeth could be SAVED  
 12 by FillingS, mangait stated yes but that he would not treat them.  
 13 After the extraction, Plaintiff Again ASKED mangait to treat  
 14 Plaintiff's other teeth, to which mangait stated "NO I am  
 15 not going to Fill your teeth." Leaving Plaintiff with  
 16 one PAINFUL cavity - two Additional teeth became PAINFUL between  
 17 3-27-17 to 12-11-17, For A total of 3 PAINFUL cavities.  
 18 Plaintiff has 7-10 Plainly visible CAVITIES. on 03-30-17  
 19 Plaintiff Filed a grievance, which was granted in Full on  
 20 4-03-17 by ABuen Camino, which states "we will place  
 21 you on the List to be seen by the Dental department  
 22 regarding your dental problem - - - upheld. Plaintiff was  
 23 Not seen, and Ibuprofen didn't even dint the Pain.  
 24 ON 11-6-2017 Plaintiff Filed An injuncti: A Motion For an  
 25 injunction to treat Plaintiff's cavities. on 12-4-17 The  
 26 Court ordered the State to respond by 12-11-17

on 12-11-17 Plaintiff was seen by Defendant Dr. Sanders. The State filed its opposition to Plaintiff motion for an injunction hours after Plaintiff was seen by Dr. Sanders, stating Plaintiff's dental needs had been met. But they have not. (see Plaintiff Jesse Ross Affidavit #1, on file). On 12-11-17 Dr. Sanders stated she was asked to see me, but did not know why I was to be seen. I explained to Dr. Sanders I had 3 teeth causing me pain, (which IBS Gels were not helping), I explained I had 7-10 other cavities I needed treated, that I needed partial for my missing molars #30, 31, 32 #14, #2, #3, Dr. Sanders did a cursory exam, diagnosed what Plaintiff believes to be 10-15 cavities, based upon Dr. Sanders exam that all Plaintiff's teeth could be saved. Dr. Sanders diagnosed calculus buildup (severe) causing bacterial growth into the gums, that should be immediately removed. Plaintiff stated please treat all of that, Dr. Sanders wanted to do the calculus and bacterial buildup first. But said pick one tooth for treatment. Dr. Sanders stated only one tooth would be treated. Therefore I choose 1 of 3 painful teeth, which she filled. After #4 was filled Plaintiff re-iterated that he had 2 other painful cavities, requested additional treatment. Dr. Sanders stated no she was leaving at 1 PM. Dr. Sanders stated that I would have to submit a request, and appointment for each cavity separately & only 1 tooth would be treated per visit. The first visit took 65 days to get in the second 240 days.

Cunt 16 continued.

1 Dr. Sanders was Aware of the other 2 cavities.  
2 PAIN, and 10-15 others & did NOT treat them.  
3 At 65 to 240 days per appointment per tooth X  
4 10-15 teeth it will TAKE Plaintiff 600, to 3,000  
5 days For treatment. Defendant Russell  
6 Blocked Plaintiff's grievance from going to the  
7 next Level, By Frivolously rejecting it, preventing  
8 Plaintiff From possibly receiving Further care.  
9 Defendants ARANAS, WZURENDA, Both Directors,  
10 are sued in this count in official capacity, For  
11 the Policies that are unconstitutional, and Failing  
12 to Attract and retain sufficient Members of  
13 Dentist (see Plaintiff Legal Brief in support  
14 OF "SAC" Section 1

COUNT 17

The following civil rights has been violated: Negligence, Gross Negligence,  
Counterpart to Count 16 - State LAW Tort, NRS  
41-031

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: James Dzurenda, Romeo Aranas.  
Plaintiff had A right to Adequate, timely Access to  
Dental care, The defendants Dzurenda, Aranas Had A  
Duty to provide A system of ready Access to sufficient  
Number of Dentist in A timely manner. Dzurenda, Aranas  
Failed to create policies, Attract, retain sufficient numbers  
of Dentist, and to train and Supervise Dental staff.  
The Failure of there Duty is the Direct or proximate  
CAUSE of Plaintiff's injuries, Plaintiff has sustained  
DAMAGE in the Form of Lost teeth, and unnecessary  
PAIN, and gum Bacterial growth.

COUNT ~~18~~ 18

The following civil rights has been violated: Negligence and or gross negligence  
STATE LAW Tort - NRS 41-031

---

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants Brian Sandoval President ; Adam LAXalt  
~~Board~~ Commissioner, Board of Prison Commissioners.  
Sandoval and LAXalt AS Commissioners were negligent  
in creating policies, and training and supervising James  
DZurenda, Romeo Aranas, Dwight Neven, Brian  
Williams, causing Plaintiffs injuries, The Constitutional  
and state Law torts enumerated in counts 1-17  
of this complaint. These ~~two~~ two Commissioners had  
An ~~AR~~ Affirmative Duty OF CARE to Plaintiff,  
Failed in that duty, the sum of which is  
the direct, proximate or contributing CAUSE  
OF Plaintiffs injuries. The Board of Prison Commissioners  
Approves or denies All NDOC Administrative  
Policies, and are on Notice of the ongoing  
Unconstitutional Conditions, AS the Commissioners  
review and defend Against Suits Against NDOC-

---

---

---

**COUNT 19**

The following civil rights has been violated: Deliberate indifference, A violation  
of the 8<sup>th</sup> Amendment to the U.S. Constitution.  
NOT Supervisory Liability

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants: Brian Sandoval; Adam Laxalt; James Dzurenda,  
Romeo Aranas; Brian Williams. The Injuries Plaintiff has  
sustained from medical, optometry, dental, and custodial staff  
as enumerated in counts 1-16, were caused in part by the  
Failure to be properly trained. Laxalt, Sandoval had a duty to  
train Dzurenda, Dzurenda had a duty to train Aranas and  
Williams; ARANAS had a duty to train the medical,  
dental, optometry staff, Williams had a duty to train Owens  
Caldwin, Fuszek, Russell, Plumlee, Malone, Cumberland  
S.L. Foster, And were deliberately indifferent by failing  
to train, and implement adequate training policies,  
to ensure humane treatment. This duty to train  
was imposed by SCOTUS in Canton. See  
Plaintiff's legal Brief in support of "SAC", section 2  
Suits Against Supervisory Staff for Failure to train

-----

**D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? ☒ Yes ☐ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: Same
- b) Name of court and docket number: USDC 2:17-cv-02240-MMP-PAL
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):  
Dismissed without prejudice on MOT from Plaintiff
- d) Issues raised: Conditions of confinement, I merged that case with this by Amendment.
- e) Approximate date it was filed: 9-1-17
- f) Approximate date of disposition: 10-10-17

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?  
✓ Yes \_\_\_ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: Nye County
- b) Name of court and case number: unknow - USDC D-Nev. Kent S. Prews
- c) The case was dismissed because it was found to be (check one): \_\_\_ frivolous \_\_\_ malicious or ✓ failed to state a claim upon which relief could be granted.
- d) Issues raised: Blanket strip search, dismissed cause scotus charge precedent during screening
- e) Approximate date it was filed: 2011
- f) Approximate date of disposition: 2012-13

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: NA
- b) Name of court and case number: \_\_\_\_\_



- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) \_\_\_\_\_ disciplinary hearing; (2) \_\_\_\_\_ state or federal court decision; (3) \_\_\_\_\_ state or federal law or regulation; (4) \_\_\_\_\_ parole board decision; or (5) \_\_\_\_\_ other \_\_\_\_\_.
- If your answer is "Yes", provide the following information. Grievance Number \_\_\_\_\_.
- Date and institution where grievance was filed \_\_\_\_\_.

Response to grievance: Plaintiff filed grievances & exhausted All  
Levels for each count. The Following is A List of  
the grievance #s.

- 1 1) 2006 - 304-300
- 2 2) 2006 - 303-7009
- 3 3) 2006 - 304-43665
- 4 4) 2006 - 304-6688
- 5 5) 2006 - 303-5969
- 6 6) 2006 - 304-6394
- 7 7) 2006 - 302-2075
- 8 8) 2006 - 304-6391
- 9 9) 2006 - 302-5392
- 10 10) 2006 - 301-5764
- 11 11) 2006 - 302-4716
- 12 12) 2006 - 302-9648
- 13 13) 2006 - 302-8499

14 1.

-----  
**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

SEE PAGE 9-A FOR LIST OF FULL RELIEF

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

SAMEE  
(Name of Person who prepared or helped  
prepare this complaint if not Plaintiff)

Jesse Ross  
(Signature of Plaintiff)

~~1-2-18~~ 1-2-18  
(Date)

-----  
(Additional space if needed; identify what is being continued)

\_\_\_\_\_  
\_\_\_\_\_

Request For relief continued

1 Cant 1:

2 Compensatory - \$ 100,000

3 Exemplary - \$ 10,000

4 Cant 2:

5 Compensatory - \$ 50,000

6 Exemplary - \$ 50,000

7 Cant 3:

8 Compensatory - \$ 50,000

9 Exemplary - \$ 10,000

10 Cant 4:

11 Compensatory - \$ 50,000

12 Exemplary - \$ 10,000

13 Cant 5:

14 Compensatory - \$ 500,000

15 Exemplary - \$ 100,000

16 Cant 6:

17 Compensatory: \$ 50,000

18 Exemplary: \$ 50,000

19 Cant 7:

20 Compensatory: \$ 5,000

21 Exemplary: \$ 1,000

22 Cant 8:

23 Compensatory: \$ 10,000

24 Exemplary: \$ 1,000

25 Cant 9:

26 Compensatory: \$ 5,000

27 Exemplary: \$ 1,000

28

Request for relief continued

1 Count 10

2 Compensatory: \$1,000

3 Exemplary \$100.00

4 Count 11:

5 Compensatory: \$5,000

6 Exemplary: \$1,000

7 Count 12:

8 Compensatory \$1,000

9 Exemplary: \$100.00

10 Count 13:

11 Compensatory: \$10,000

12 Exemplary: \$1,000

13 Count 14:

14 Compensatory - \$40,000

15 Exemplary - \$4,000

16 Count 15:

17 Compensatory - \$10,000

18 Exemplary - \$1,000

19 Count 16:

20 Compensatory - \$1,000,000

21 Exemplary - \$100,000

22 Count 17:

23 Compensatory: \$50,000

24 Exemplary: \$5,000

25 Count 18:

26 Compensatory - \$50,000

27 Exemplary - \$5,000

28

Request For relief Continued

1 Count 19:

2 Compensatory \$10,000

3 Exemplary: \$1,000

4 Declaratory Relief; That the Court enter Declaratory  
5 relief in all counts in Favor of plaintiff.

6 Injunctive Relief;

7 (1) That the court appoint a special master to review  
8 the MOS (including medical, dental optometry care) at  
9 HPSP, to identify the constitutional deficiencies,  
10 report the same back to the court; and that  
11 the court order NDOC-HPSP to remedy said  
12 deficiencies within 12 months of court order;

13 (2) That the court enter an order requiring NDOC-HPSP  
14 to provide each offender 2 hours of outdoor yard per day;

15 (3) That the court order HPSP to provide plaintiff A  
16 Religious Diet Accommodation of only Raw vegetables,  
17 Fruits, Plants, Nuts Fish - no Grains - Processed Food or  
18 Animal Products, no Artificial preservatives,

19 And that should NDOC refuse any injunctive orders,

20 The court enter NDOC- ~~and~~ into receivership of the  
21 court

22

23

24

25

26

27

28

Respectfully

Jesse

Jesse Ross #1095756  
HDSF - P.O. Box 650  
Indian Springs W.V. 89070

Clerk -  
U.S. District Court  
District of Nevada  
4070 D. George U.S. Courthouse  
Case NO: 2:17-cv-02386-APG-GWF  
Ross-v-Sandoval.

1710230